IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

Crl.MC.No. 5140 of 2003()

ST.1371/2003 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR

.....

PETITIONER: ACCUSED 1 TO 14 IN ST.NO.1371/2003:

---

1. MATHAI, S/O. DEVASSY,
   AGED 47 YEARS, PUNNAKKAKILUKKAN VEETTIL,
   VADAKKUMBHAGAM KARA, MANJAPPRA VILLAGE,
   ERNAKULAM DISTRICT.

2. POULOSE, S/O. JOHN,
   AGED 40 YEARS, VADAKKUMCHERY VEETTIL,
   MURINGEDATHUPARA KARA, AYYAMPUZHA VILLAGE,
   ERNAKULAM DISTRICT.

3. OUSEPH, S/O. VAREED,
   AGED 62 YEARS, PALATTIL VEETTIL, MANJAPPRA KARA,
   MANJAPPRA VILLAGE, ERNAKULAM DISTRICT.

4. ANTONY, S/O. PAILY,
   AGED 62 YEARS, KUNNUMPURATH VEETTIL,
   VADAKKUMBHAGAM KARA, MANJAPPRA VILLAGE,
   ERNAKULAM DISTRICT.

5. JOSEPH, S/O. ANTONY,
   AGED 46 YEARS, MANGALI VEETTIL, THURAVOOR KARA,
   THURAVOOR VILLAGE, ERNAKULAM DISTRICT.

6. JOSEPH, S/O. DEVASSY,
   AGED 52 YEARS, PARAKKAL VEETTIL,
   VADAKKUMBHAGAM KARA, MANJAPPRA VILLAGE,
   ERNAKULAM DISTRICT.

7. BABU, S/O. CHERIAN,
   AGED 42 YEARS, MANGALI VEETTIL,
   VADAKKUMBHAGAM KARA, MANJAPPRA VILLAGE,
   ERNAKULAM DISTRICT.

8. JIMMY, S/O. MATHEW,
AGED 47 YEARS, MANGALI VEETTIL,
VADAKKUMBHAGAM KARA, MANJAPPRA VILLAGE,
ERNAKULAM DISTRICT.

9. ANTONY, S/O. JOSEPH,
AGED 52 YEARS, MANGALI VEETTIL,VADAKKUMBHAGAM KARA
MANJAPPRA VILLAGE, ERNAKULAM DISTRICT.

10. JOY, S/O. CHERIAN,
AGED 61 YEARS, KOLATTUKUDI VEETTIL,MARYSSERY KARA,
MANJAPPRA VILLAGE, ERNAKULAM DISTRICT.

11. BABY, S/O. DEVASSY,
AGED 60 YEARS, KOLATTUKUDI VEETTIL,
MARYSSERY KARA, MANJAPPRA VILLAGE, ERNAKULAM DIST.

12. PUNNOOSE, S/O. DEVASSY,
AGED 52 YEARS, KOLATTUKUDI VEETTIL,
MARYSSERY KARA, MANJAPPRA VILLAGE, ERNAKULAM DIST.

13. PAUL, S/O. MATHEW,
AGED 50 YEARS, MANGALI VEETTIL,VADAKKUMBHAGAM KARA
MANJAPPRA VILLAGE, ERNAKULAM DISTRICT.

14. JOY, S/O. OUSEPH,
AGED 50 YEARS, THOTTAKKARA VEETTIL,
VADAKKUMBHAGAM KARA, MANJAPPRA VILLAGE,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS

RESPONDENTS: COMPLAINANT IN S.T.NO.1371/2003:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl.M.C.No.5140 of 2003-B

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dated this the 5th day of September, 2007

O R D E R

The petitioners, 12 in number, have sought for getting quashed the proceedings initiated vide S.T.No.1371/2003 with respect to the offences under Sections 7 and 9 of the Kerala Gaming Act, 1960. The petitioners have been charge sheeted for the offences as allegedly they were found playing cards at Leader's Club at Manjappra Panchayat. The contention raised is that taking cognizance of the offence by the court is barred by limitation by Section 468(2)(a) Cr.P.C. Annexure-A is the charge sheet which would show that the date of the incident is 14/10/2001. The charge sheet has been filed on 30/03/2002 and cognizance taken in 2003. The offences are punishable only with a fine of Rs.500. Hence, the proceedings is clearly barred by limitation as six months is the time limit specified. Hence, the proceedings pending as S.T.No.3171/2003 in the court of the Judicial Magistrate of the First Class, Perumbavoor, is herewith quashed. The Crl.M.C is allowed.

K.R.UDAYABHANU,
Judge

ms